

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

THOMAS KEITH COLEMAN

PLAINTIFF

v.

CAUSE NO. 1:19CV24-LG-RHW

KEITH HAVARD, *et al.*

DEFENDANTS

**ORDER ADOPTING REPORT AND RECOMMENDATION
AND GRANTING MOTION FOR SUMMARY JUDGMENT**

BEFORE THE COURT is the [45] Report and Recommendation entered by Magistrate Judge Robert H. Walker on June 2, 2020. Judge Walker recommends that the [37] Motion for Summary Judgment filed by the defendants be granted. The record reflects that a copy of the Report and Recommendation was mailed to the petitioner's last known address on June 2, 2020, but the copy mailed to the petitioner was returned to the Court. (*See* Returned Mail, ECF No. 46). The Court conducted an inmate search on the Mississippi Department of Corrections website in an attempt to locate the petitioner's current address, but the search yielded no results. Therefore, the Court assumes that the petitioner has been released from prison and has failed to notify the Court of his current address as required by the [11] Order entered on May 13, 2019. The Report and Recommendation is therefore ripe for the Court's review.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection

is made.”). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having conducted the required review, the Court finds that Judge Walker’s Report and Recommendation is neither clearly erroneous nor contrary to law. Defendants’ Motion for Summary Judgment is granted.

IT IS ORDERED AND ADJUDGED that the [45] Report and Recommendations are **ADOPTED** as the opinion of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that the [37] Motion for Summary Judgment filed by the defendants is **GRANTED**. This lawsuit is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies.

SO ORDERED AND ADJUDGED this the 28th day of July, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE